

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN R. NAJDL,)	CASE NO. 1:21-cv-1578
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	AND ORDER
COMMISSIONER OF SOCIAL SECURITY)	
ADMINISTRATION,)	
)	
)	
DEFENDANT.)	

On July 8, 2022, Magistrate Judge Darrell A. Clay filed his Report and Recommendation (“R&R”) (Doc. No. 13) with respect to plaintiff John R. Najdl’s complaint for judicial review of defendant Commissioner of Social Security Administration’s determination with respect to Najdl’s application for disability insurance benefits.

The R&R concludes that the Commissioner erred by finding that a prior Administrative Law Judge’s (“ALJ”) residual functional capacity (“RFC”) determination was still binding and precluded a finding of disability. As a result of this error, the R&R further concludes that Najdl was not afforded the *de novo* review of the medical evidence to which he was entitled. The ALJ’s January 19, 2021 determination became the Commissioner’s final decision by virtue of the Appeals Council’s denial of Najdl’s request for review. (Doc. No. 13 at 2.)

The R&R recommends that the Commissioner’s determination be reversed and that the matter be remanded for further proceedings; in particular, the R&R directs that “[t]he ALJ should

review [Najdl's] records again, but without a presumption that the prior ALJ's RFC is proper until the evidence establishes a significant change in condition." (Doc. No. 13 at 20.)

Under Fed. R. Civ. P. 72(b)(2), any party may file objections to an R&R. Properly filed objections are given *de novo* review by this Court. *See also* 28 U.S.C. § 636(b)(1); LR 72.3(b).

On July 15, 2022, defendant Acting Commissioner of the Social Security Administration, Kilolo Kijakazi, filed a response to the R&R indicating that the Commissioner "will not be filing objections to this Honorable Court's Report and Recommended Decision."

Accordingly, no objections having been heard, the R&R, which this Court finds to be properly reasoned, is adopted. The Commissioner's decision is reversed and this matter is remanded to the Commissioner for further proceedings. This case is closed.

IT IS SO ORDERED.

Dated: July 18, 2022



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE